

30 OCTOBER 1947

I N D E X
of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
MURAKAMI, Keisaku (resumed)	32060
Redirect (cont'd) by Colonel Ivanov	32060
Recross by Mr. Blakeney	32067
(Witness excused)	32068
Batarshin, Gilfan A., Major, Hero of the Soviet Union	32069
Direct by Colonel Smirnov	32069
Cross by Mr. Furness	32077
Questions by the President of the Tribunal, Sir William Webb	32095
Cross (cont'd) by Mr. Furness	32096
<u>NOON RECESS</u>	32103
Cross (cont'd) by Mr. Furness	32105
Questions by the President of the Tribunal, Sir William Webb	32118
Cross (cont'd) by Mr. Furness	32119
<u>AFTERNOON RECESS</u>	32126
Cross (cont'd) by Mr. Furness	32127
Redirect by Colonel Smirnov	32133

30 OCTOBER 1947

I N D E X
Of
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
	3373		Photostat copy of Tracing of the Map (Exhibit No. 2175)		32086
			<u>MORNING RECESS</u>		32087
	3373-A		Original Tracing of Map (Exhibit No. 2175)		32088

1 Thursday, 30 October 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese
20 to English interpretation was made by the
21 Language Section, ILTPE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except SHIRATORI who the prison surgeon at Sugamo says
5 is too ill to attend the trial today. The certificate
6 will be recorded and filed.

7 Colonel Ivanov.

8 - - -

9 K E I S A K U M U R A K A M I, called as a witness
10 on behalf of the prosecution, resumed the stand
11 and testified through Japanese interpreters as
12 follows:

13 REDIRECT EXAMINATION

14 BY COLONEL IVANOV (Continued):

15 Q In the research of what northern problem was
16 the Total War Research Institute engaged during your
17 tenure of office or prior to that?

18 A During my tenure of office research on this
19 subject was not conducted, but before I remember having
20 conducted research in the administration of areas to be
21 occupied in Siberia. Correction: I know that such
22 researches were carried out before I assumed my post.

23 Q To whom were all research papers, plans and
24 drafts drawn up under your supervision sent by the
25 Total War Research Institute, how many copies were sent

1 and were they returned to the War Research Institute
2 or kept and used by their addressees?

3 A The main subjects of research were sent to
4 the cabinet and to the principal government offices.
5 The main results of our researches were sent to the
6 cabinet and to the principal government offices. Their
7 number I believe was around fifteen.

8 Q Were these copies returned to the Institute or
9 were they kept by the addressees?

10 A I can't say for sure but I believe that copies
11 that were sent to the cabinet and to the principal
12 interested government offices were not returned.

13 Q Did the government take any measures in con-
14 nection with the drafts and plans drawn up under your
15 supervision by the Total War Research Institute in 1943?

16 A I have heard that the plans for the increase --
17 for policies to increase the production of airplanes
18 were taken up by the government. I have also heard
19 that in the spring of 1944 the government realized our
20 plans to -- our policies to adapt the national liveli-
21 hood to the stringent conditions of the times.

22 Q The representatives of what companies and
23 banks were among the students of the Institute and why
24 were they admitted students of the Institute?

25 A Among the banks there was the Bank of Japan.

1 Among the companies there were representatives of coal
2 companies and of chemical industries in Korea. The pur-
3 pose was to utilize the experience gained by these
4 companies and banks in the course of their operations.
5 Another purpose was to enable these people to cooperate
6 successfully with the government after they had returned --
7 after they had left the Total War Research Institute.

8 THE PRESIDENT: Need you re-examine at any
9 great length on this?

10 COLONEL IVANOV: I have two or three questions
11 concerning this matter.

12 Q Replying to the question of defense counsel you
13 mentioned that among the students were two army officers
14 and who was the third officer?

15 A Major NAKAMURA, member of the Military Affairs
16 Section, War Ministry.

17 Q Were any naval officers among the students of
18 the Institute in 1943?

19 A There were two lieutenant commanders.

20 Q Replying to the question of defense counsel
21 you said that all the students had access to the materials
22 which were in the Institute. Tell us, had the students
23 access to secret files of any ministry inside the ministry
24 building?
25

A Material necessary for the students to conduct

1 their researches, which material had been obtained by
2 the Institute from the secret files of the various
3 interested government offices, were available to the
4 students.

5 Q Mr. Witness, replying to the question of
6 defense counsel yesterday you gave information as to
7 the proportion of strength of the Soviet Army in the
8 Far East and the Kwantung Army at the end of 1941.
9 According to you the Kwantung Army was 700,000 men
10 strong but is this information exhaustive as to the
11 Japanese armed forces opposed to the Soviet Army on
12 the continent?

13 A Well, that number represented only the Kwantung
14 Army and did not include the Manchurian National Army
15 nor the army in Korea.
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1 Q Tell us what you know about the strength of
2 the Japanese Army in Korea and the so-called Manchurian
3 National Army which were also opposed to the Soviet
4 forces in the Far East.

5 A Although these figures are not certain, the
6 Korean Army numbered somewhat over 50,000, whereas
7 the Manchurian National Army was something under
8 100,000 strong. And, of course, there were Japanese
9 ex-servicemen in these areas. So if these were mobi-
10 lized the total strength would be increased by that
11 much.

12 Q Can you give us any information about the
13 strength of the reservists?

14 A On this point, too, I cannot quote the exact
15 figures, but I believe that, giving a rough estimate,
16 they must have numbered over 150,000.

17 Q Then, what was the total strength of the
18 Japanese armed forces opposed to the Soviet Army in
19 the Far East?

20 A As I said yesterday, the strength of the
21 Kwantung Army was 700,000. If you add the various
22 forces I quoted to you this morning, the total number
23 would come to about 1,000,000.

24 Q Do you know if there were any changes in the
25 strength of the Soviet army in the Far East in 1941

1 after the beginning of the Soviet-German War?

2 A On this point also I cannot quote you --
3 what I will tell you may not be exact, but I can tell
4 you what I heard on this point. But, generally speak-
5 ing, I have some knowledge of this.

6 Q Tell us.

7 A After the outbreak of the Soviet-German War
8 crack units of the Soviet Far Eastern forces were
9 sent to the western front. We heard that to replace
10 these some new soldiers were mobilized. But we also
11 heard that the quality of these newly mobilized sol-
12 diers was quite below par.

13 Q I will return to one question. Was the
14 reserve corps prepared to reinforce the strength of
15 the Kwantung Army with additional number of men in
16 the shortest possible time?

17 A Well, I never heard of that in the line of
18 my official duty. However, as a matter of common
19 knowledge I think that they were prepared to be mobil-
20 ized on the shortest possible notice.

21 Q Have I understood your answers to my previous
22 questions correctly that the proportion of the strength
23 of the Soviet and Japanese Armies in the Far East in
24 1941 changed in favor of Japan?

25 A I cannot say whether the numerical strength

1 of the Japanese Army was absolutely superior to that
2 of the Soviet Army, but I do know that it was far
3 more favorable to Japan than before the outbreak of
4 the Soviet-German War.

5 Q Now, the last question: Mr. Witness, replying
6 to the questions of defense counsel as to your quali-
7 fication in military matters, you, evidently due to
8 modesty, didn't mention your important work, Senso
9 Yoron, that is, The Theory of War, the author of the
10 book as the title sheet says is MURAKAMI, Keisaku,
11 Professor of General Staff College, published in 1925,
12 the book was published in 1925. Are you the author
13 of this book on the subject mentioned by me -- on the
14 military subject mentioned by me?

15 A This book was published by the Military Staff
16 College. It pertains to research which I made on the
17 subject by order of the Director of the Military Staff
18 College.

19 COLONEL IVANOV: That concludes the redirect
20 examination. If there are no additional questions to
21 this witness, may he be released on the usual terms?

22 THE PRESIDENT: Major Blakeney.

23 MR. BLAKENEY: I would like to ask one or two
24 questions, if I may.

25 THE PRESIDENT: There is no objection.

RE CROSS-EXAMINATION

1 BY MR. BLAKENEY:

2 Q Did your estimates given yesterday of the
3 strength of the Soviet forces in the Far East include
4 reserves?

5 A I do not know whether reservists were in-
6 cluded in this figure or not.

7 Q Where did you get that figure?

8 A I learned this figure from various research
9 materials assembled by the General Staff Department
10 in Tokyo.

11 Q This morning you have added the strength of
12 the Korea Army and the Manchukuo National Army to your
13 estimates of the strength available on the Japanese
14 side against the Soviet Far Eastern armies. Now, I
15 wish you would carry that one step further and tell
16 the Tribunal what you know about the relative strength
17 in aircraft and tanks and mechanized units; I mean
18 at the same time you have been testifying about, of
19 course.

20 A I have heard that the Soviet forces were still
21 superior to us in aircraft and mechanized units.

22 Q Can you state the extent of that superiority?

23 A I don't remember.

24 MR. BLAKENEY: That is all.
25

1 THE PRESIDENT: The witness is excused on
2 the usual terms.

3 (Whereupon, the witness was
4 excused.)
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1 COLONEL IVANOV: The next witness will be
2 presented by Colonel Smirnov.

3 THE PRESIDENT: Colonel Smirnov.

4 COLONEL SMIRNOV: I now call the witness
5 Batarshin.

6 - - -

7 G I L F A N A. B A T A R S H I N, called as a
8 witness on behalf of the prosecution, being
9 first duly sworn, testified through Russian
10 interpreters as follows:

11 DIRECT EXAMINATION

12 BY COLONEL SMIRNOV:

13 Q State your name, surname, and occupation.

14 A Batarshin, Gilfan Abubikerovitsh.

15 Q Your military rank?

16 A Major, Hero of the Soviet Union.

17 Q Are you an officer of the border guard
18 units?

19 A Yes, an officer of the Border Guard Corps.

20 Q Did you serve in the 59th Border Guard Unit?

21 A Yes, I served in the 59th Border Guard Unit.

22 Q Did this unit exercise guard duties at the
23 sector of the border in the Lake Khasan Area?

24 A Yes, this sector of the frontier was under.
25 the guard of this border guard unit, 59th Border Guard

1 Unit.

2 Q For participation in what military opera-
3 tions were you accorded the highest title of Hero
4 of the Soviet Union?

5 A For participation in the military operations
6 in the Lake Khasan Area.

7 COLONEL SMIRNOV: May the witness be
8 shown exhibit 756.

9 Q Have a look at this affidavit and tell us,
10 is that your affidavit and did you sign it?

11 A Yes, that is my affidavit, and I signed it.

12 Q Are the contents thereof true and correct?

13 A Yes, true and correct.

14 COLONEL SMIRNOV: If the Tribunal please,
15 since only four sentences of this affidavit were
16 previously read to the Court I will read the balance
17 of the affidavit not read into the transcript.

18 THE PRESIDENT: Four paragraphs I think you
19 mean, Colonel.

20 COLONEL SMIRNOV: Yes, your Honor, four para-
21 graphs.

22 THE PRESIDENT: Yes.

23 MR. FURNESS: The defense has no objection to
24 that being done, sir.

25 COLONEL SMIRNOV (Reading): "In the period

1 1936-38 inclusive I served as section commander of
2 59 frontier detachment, that guarded the section of
3 the Manchurian Soviet state frontier which included
4 the Lake Khasan Area."

5 I omit the next paragraph, which is at
6 page 7812.

7 "Earlier on July 15, 1938, while being in
8 the frontier patrol directly on the Hill Zaozernaya
9 I personally observed the Japanese troops concentrat-
10 ing in the vicinity of the Hill Zaozernaya.

11 "In the course of 10-12 days troops and
12 guns were brought up in trucks toward the state
13 frontier in front of Hill Zaozernaya. In my estimate
14 in this section there were concentrated by the Japanese
15 about 600-700 soldiers; two Japanese batteries were
16 mounted on each of the two hills. To these hills
17 shells were carried daily by soldiers; the shells
18 were passed from hand to hand as the hills did not
19 allow any motor transportation.
20

21 "At that time there were only 30 frontier
22 guards on Hill Zaozernaya. There were no other Soviet
23 troops stationed even in the vicinity.

24 "The concentration of Japanese forces in the
25 area of Hill Zaozernaya pursued the object of attack-
ing the Soviet territory; not only was the concentration

1 of troops and mounting of artillery by the Japanese
2 itself a proof of it, but the direct declarations
3 of the Japanese command, made through their emis-
4 series, as well.

5 "Twice during this period local Manchurians
6 were sent to our frontier guard detachment by the
7 Japanese command and they brought letters from the
8 commander of the Japanese detachment in which an
9 immediate withdrawal of the Soviet frontier guards
10 from the Hill Zaozernaya was demanded. In the
11 letters it was pointed out that Hill Zaozernaya was
12 to be occupied by the Japanese troops. A threat to
13 start military operations against the Soviet troops
14 in case they did not withdraw from Hill Zaozernaya
15 was added to it.

16 "The Soviet frontier guards did not give
17 any reply to the demands of the Japanese Command and
18 remained on Hill Zaozernaya on their territory."

19 I will omit the next paragraph contained on
20 the same page.

21 THE PRESIDENT: Well, if you omit it, what
22 you read following it will not be intelligible. You
23 had better read it again. It is only a few lines.

24 COLONEL SMIRNOV: Yes, your Honor.

25 "On July 29, 1938, at 16 hours, the Japanese

1 troops suddenly attacked a neighbouring frontier
2 guard patrol 11 men strong. There were about 100
3 Japanese soldiers armed with rifles, medium and light
4 machine guns. Having attacked the frontier guards,
5 the Japanese opened fire. The battle was taking
6 place at a distance of 700 metres from us.

7 "The commander of our outpost watched the
8 battle and sent me with four frontier guards to help.
9 Having taken a light machine gun, I approached the
10 place of the battle and saw the following scene. All
11 the Soviet frontier guards were lying wounded, unable
12 to put up resistance; whereas, the Japanese, with
13 blades drawn, slashed the wounded and tried to drag
14 some of them away on to their territory.

15 "I immediately opened fire after which the
16 Japanese started running towards their territory,
17 leaving on their way corpses and wounded frontier
18 guards.

19 "On the battlefield I found five corpses of
20 our frontier guards whose bodies were slashed with
21 blades from head to foot. The other six frontier
22 guards were badly wounded and all of them had slashed
23 wounds."
24

25 I will read the next paragraph, too.

"On the night of July 31, 1938, approximately

1 at midnight large Japanese forces attacked Hill
2 Zaozernaya that was guarded by our frontier guard
3 patrol.

4 "The Soviet frontier guards had given no
5 reasons for an armed conflict either in the above-
6 mentioned Japanese attack against Hill Bezimiannaya
7 or in this case.

8 "In general I don't know of a single case
9 of trespassing the state frontier by the Soviet
10 frontier guards during the entire period of my ser-
11 vice in the 59 frontier guard detachment.

12 "According to my observations the Hill
13 Zaozernaya was attacked by approximately one infantry
14 regiment of the Japanese forces with a simultaneous
15 use of artillery and mortar fire.

16 "At the moment of the attack of the Japanese
17 forces there were about 30 frontier guards; besides
18 there was a platoon of field forces also 30 men
19 strong.

20 "Until dawn we held Hill Zaozernaya. During
21 this time we suffered losses; 15-20 men killed and
22 the rest wounded; I, personally, was slightly wounded
23 and remained on duty until our units arrived.

24 "We left the Hill Zaozernaya at 6 o'clock
25 in the morning. At that time I watched the Japanese

1 soldiers come onto the crest of the hill and wave
2 blades.

3 "In the following days the Japanese sol-
4 diers were building fortifications on our territory:
5 barbed wire entanglement, artillery and machine gun
6 defended posts trenches, a net of firing trenches."

7 I will read the next paragraph, too.

8 "From August 6, 1938, our units launched
9 an offensive and by August 12, 1938 had driven the
10 Japanese off our territory and stopped on the former
11 state frontier.

12 "Of the frontier guards, who together with
13 me defended Hill Zaozernaya, I remember Ivan Chernop-
14 jatko, a major at present living in Moscow, and Peter
15 Tereshkin, former chief of the frontier guard outpost,
16 whose section included Hill Zaozernaya. He also
17 lives in Moscow and, as I have heard, has the rank
18 of lieutenant-colonel.

19 "I want to add that in the period during
20 which the Japanese concentrated their forces toward
21 the Hill Zaozernaya I observed that the Japanese
22 turned the inhabitants out of the village of Hamoka
23 which is situated at the foot of Hill Zaozernaya on
24 the territory of Manchuria and stationed their troops
25 in it. It was approximately between July 20-25, 1938."

1 I omit the next two sentences.
2 Signed, "G. Batarshin."
3 The defense may cross-examine now.

THE PRESIDENT: Major Furness.

CROSS-EXAMINATION

BY MR. FURNESS:

Q During this period--

THE PRESIDENT: For the accused SHIGEMITSU,
Major?

MR. FURNESS: For the defense generally, too,
I think, your Honor.

THE PRESIDENT: That will shorten the business.

Q During the period from the 1st of July until
the 31st of July, you were in command of a section on
the Soviet frontier, were you?

A Yes, I was a commander of a section.

Q Of how many men does a section consist?

A My section had seven men.

Q What was your rank at that time?

A At that time the Soviet Army had no ranks.
My rank was called section commander.

Q And you were under Chernopyatko, under his
platoon, were you not?

A No, I wasn't under him. I was under another
commander of platoon.

Q What was his name?

A Lubovoi, L-u-b-o-v-o-i.

Q And were you under the general command of a man

1 who was at that time Lieutenant Tereshkin?

2 A Yes, when I arrived at his frontier guard out-
3 post, that is, Podgornaya Outpost, I was under him.

4 Q Now, was that all part of the so-called Posiet
5 Frontier Guard Detachment?

6 A Yes, this border guard outpost was a part of
7 the Posiet Border Guard Detachment.

8 Q So that we may assume that any reports re-
9 ceived from the Posiet Frontier Guard Detachments were
10 reports from the detachment of which you were a member?

11 A I don't know what reports you mean, but I
12 served in that detachment.

13 Q Now, this Podgornaya Outpost, was located in the
14 town of Podgornaya, was it?

15 A This frontier guard outpost was located near
16 this village, but separately from the village.

17 Q So that the headquarters was several kilometers
18 away from the Hill Zaozernaya, was it not?

19 A The headquarters of the border guard detachment
20 was at Posiet.

21 Q And how far is that from Hill Zaozernaya?

22 A Approximately 20, 25 kilometers.

23 Q And Tereshkin's headquarters were near the
24 village of Podgornaya.

25 A Tereshkin had no headquarters.

1 Q When you referred to an outpost near Podgornaya,
2 how far from Podgornaya was it?

3 A Approximately about one kilometer.

4 Q Now, these frontier guards are part of a police
5 organization under the People's Commissar for Home Affairs
6 were they not?

7 A The Border Guard Corps is not a part of the
8 police organization. It is an independent corps under
9 the People's Commissariat for Home Affairs -- under the
10 Ministry of Home Affairs.

11 Q It is, therefore, a civilian outfit not under
12 the Red Army, is it not?

13 A This is not a civil organization. This is a
14 military organization of a pure border guard nature,
15 which is under Ministry for Home Affairs, as I said
16 previously.

17 Q And it is part of what we know as the N.K.V.D.,
18 which was formerly the G.P.U., is it?

19 A Yes, that is so.

20 Q How were you armed?

21 A What do you mean by this? The arms I had, or
22 the arms the border guard units generally have?

23 Q The arms the border guard unit generally had.

24 COLONEL SMIRNOV: I object to this question
25 because it touches upon, generally, questions of state

1 security. The witness can speak about the arms which
2 his border guard unit had; but you cannot demand from
3 a border guard officer in the rank of major that he
4 give information about general armament of the Border
5 Guard Corps of the Soviet Union. Besides, this is out-
6 side the scope of his affidavit and outside the scope
7 of the theme of the cross-examination.

8 THE PRESIDENT: You must remember, Colonel,
9 that we are talking about the state of armament nine
10 years ago, and then over a very limited front. We,
11 of course--

12 COLONEL SMIRNOV: As to this, he certainly can
13 give answer, because being a soldier on the sector of
14 the frontier, he knows what arms the frontier guard
15 outpost had.

16 THE PRESIDENT: Yes.

17 MR. FURNESS: That is all I want, sir.

18 THE PRESIDENT: That is right.

19 A A border guard outpost usually has rifles,
20 light machine guns; in particular, this outpost under
21 Tereshkin had heavy machine guns, the Outpost Podgornaya.

22 Q You had no larger armament than heavy machine
23 guns, is that correct?

24 A No, the frontier guard outpost usually has no
25 arms more heavy than the heavy machine guns.

1 Q They had none at that time at that place?

2 A No other armament -- arms were there.

3 Q And on the other side of the border as claimed
4 by the Russians, there were Japanese border guards,
5 were there?

6 A I don't know what those forces were, but it is
7 a fact that I saw those forces and I know they were
8 regular forces.

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1 Q Were there border guards there, Japanese?

2 A I didn't understand the question.

3 Q Were there border -- Japanese border guards
4 on the other side of the borders claimed by the Soviet
5 Union?

6 COLONEL SMIRNOV: I think it would have been
7 correct if my learned colleague would state the period
8 to which his question refers, for instance, in July
9 of 1938, or is that an abstract question in general
10 form?

11 Q All right, I will put it: prior to July,
12 1938.

13 A Prior to July, 1938, I didn't see there the
14 Japanese border guards.

15 Q Now, how long had you been in the area prior
16 to the fighting in that area, in and around Lake
17 Khasan?

18 A I was at this sector for approximately
19 seventeen or eighteen days.

20 Q Had you served prior to that time as a
21 frontier guard?

22 A Yes, I served there as a frontier guard.

23 Q Where?

24 A At Posiet in the reserve groups of the
25 commander of the detachment.

1 Q Then, you have not been in the vicinity of
2 hill Zaozernaya prior to that time?

3 A In the period beginning from 1936 and after
4 1938 -- through 1938, I repeatedly was in that vicin-
5 ity and carried out border guard duties there.

6 Q Then, as such a border guard, you are
7 familiar with the border country. I mean, in that
8 vicinity.

9 A Yes, I know that part of the sector of --
10 that sector of the frontier very well.

11 Q And, there are hills between the first
12 border mark on the Tumen River and south of Lake
13 Khasan, are there? T-U-M-E-N, Tumen-Tula. I think it
14 is referred to in the Russian testimony.

15 A Yes, there are some hills there.

16 THE PRESIDENT: At this stage, the witness,
17 for the guidance of the Tribunal, might mark exhibit
18 2175, which is a map, so as to show hill Zaozernaya
19 and hill Bezjimjannaya.

20 MR. FURNESS: If the Court please, I prefer
21 to submit to the witness a copy -- a tracing of that
22 map, without the border marked on it.

23 THE PRESIDENT: Well, we won't interfere
24 with your cross-examination any more than necessary.

25 MR. FURNESS: I plan to do that, but I prefer

1 to do it in my way, if the Court please.

2 I ask that the witness be handed the tracing
3 of the map attached to exhibit 2175.

4 Has that been done?

5 COLONEL SMIRNOV: I think there is a slight
6 misunderstanding here, Mr. President. I didn't want --
7 I had no intention to show to the witness the copy
8 of exhibit 2175, but I am interested whether the
9 tracing of the map has been done correctly, and I
10 think that the prosecution has a right to compare
11 the two maps.

12 MR. FURNESS: If your Honor please, the
13 witness testified that he is familiar with the border,
14 and he ought to know whether it is accurate. It can
15 also be compared.

16 THE PRESIDENT: Let us have what he says in
17 answer to you first, and re-examination will be open
18 to Colonel Smirnov.

19 (Whereupon, a document was handed
20 to the witness.)

21 THE PRESIDENT: We assume you will hand him
22 a carefully made tracing.

23 BY MR. FURNESS (Continued):

24 Q Is that an accurate representation of the
25 border country around Lake Khasan and Lake Zaozernaya?

1 THE PRESIDENT: Give a copy to each of the
2 Judges, please. Each of the Judges should have this.

3 A I can't answer for the -- I can't vouch for
4 the accuracy of the tracing, but approximately it is
5 the same as the border country.

6 Q Will you now mark on that map the border as
7 claimed by the Soviet?

8 (Whereupon, the witness made mark-
9 ings on a document.)

10 Q (continuing) Have you done that?

11 MARSHAL OF THE COURT: He has completed it,
12 Mr. Furness.

13 Q You have marked that with a red crayon, have
14 you, Witness?

15 A Yes, I marked with a red pencil the state
16 border between the Soviet Union and Manchuria.

17 COLONEL SMIRNOV: Your Honor, probably the
18 Marshal of the Court thinks that something will happen
19 to the map if I have a look at it.

20 I ask permission to have a look at the map.

21 THE PRESIDENT: Well, you will get that in
22 due course, Colonel, and it will not be outside of
23 the court in the meantime. We will see that you get
24 a chance to look at it.

25 COLONEL SMIRNOV: Thank you, your Honor.

1 MR. FURNESS: I ask that the map as marked
2 by the witness be given an exhibit number for
3 identification.

4 THE PRESIDENT: You can tender it finally,
5 if I understand the position correctly, but you want
6 it for identification.

7 MR. FURNESS: I want to see it first, your
8 Honor, and I plan to have other marks made on it.

9 THE PRESIDENT: Well, what I tell you is
10 the ordinary rule, and my Colleagues take that view,
11 too. But, for the time being, you can tender it for
12 identification, but the other side can insist on it
13 being tendered finally.

14 COLONEL SMIRNOV: Your Honor, as my colleague
15 has started the cross-examination in the manner of a
16 quizz, and as I don't want that the tests put to the
17 witness be kept in secret, I ask that the map be
18 tendered in evidence.

19 THE PRESIDENT: Well, it must go in, so mark
20 it finally.

21 MR. FURNESS: Mark it finally. I have no
22 objection.

23 CLERK OF THE COURT: The tracing of the map,
24 which is exhibit 2175, will receive exhibit No. 3373.
25

(Whereupon, the document above

1 referred to was marked defense exhibit
2 No. 3373 and received in evidence.)

3 THE PRESIDENT: We will recess for fifteen
4 minutes.

5 (Whereupon, at 1045, a recess was
6 taken until 1100, after which the proceed-
7 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International Military
2 tary Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Furness.

4 MR. FURNESS: If the Court please, I believe
5 that the paper which the witness marked was a photostat
6 of the tracing, that is, exhibit 3373. I also have the
7 original tracing which has attached to it a certificate
8 of an expert drawer of maps which perhaps should be
9 offered now to give it further authenticity as to its
10 accuracy.

11 THE PRESIDENT: Do you tender it, then?

12 MR. FURNESS: I will now offer it.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: The photostat of the map
15 just described, bearing certificate, defense document
16 2777, will receive exhibit No. 3373-A.

17 (Whereupon, the document above
18 referred to was marked defense exhibit No.
19 3373-A and received in evidence.)

20 BY MR. FURNESS (Continued):

21 Q Now, would you mark on that map, for the
22 Court's benefit, the one that you marked in red pencil,
23 the hill Zaosernaya and the hill that you refer to in
24 your affidavit as Bezjimjannaya? Mark Zaosernaya with
25 a "Z" and Bezjimjannaya with a "B."

1 MARSHAL OF THE COURT: He has done that, Mr.
2 Furness.

3 COLONEL SMIRNOV: I think that some technical
4 misunderstanding may have sprung up from the fact that
5 I do not know what letters, whether Russian letters or
6 English letters, the witness should mark the hills.

7 THE PRESIDENT: Can he make either?

8 MR. FURNESS: He can mark Zaozernaya with a
9 triangle if he wants, and Bezjimjannaya with a circle.

10 He has had no difficulty marking it, so I
11 guess it is not necessary.

12 For the benefit of the Language Section,
13 Zaozernana is spelled Z-a-o-r-z-e-n-a-y-a, I think.

14 THE INTERPRETER: We have it, sir.

15 MR. FURNESS: Do you have Bezjimjannaya?

16 THE INTERPRETER: Yes, we do.

17 Q Now, could you also mark the village that you
18 mentioned before, Podgornaya?

19 COLONEL SMIRNOV: By what sign and in what way
20 should he mark the village Podgornaya?

21 MR. FURNESS: With a "P" if he can, and if he
22 can't, with an arrow.

23 Podgornaya, Language Section, is spelled
24 P-o-d-g-o-r-n-a-r-y-a; Posiet is spelled P-o-s-h-y-e-t.
25

Q Will you also mark what is referred to in

1 evidence as Border Mark T?

2 MR. FURNESS: I would like that now to be
3 passed to the Judges so that they can mark their copies,
4 and to the prosecution so that they can see it.

5 COLONEL SMIRNOV: I have nothing against any
6 markings made by the witness, but I am interested to
7 know in what part of the affidavit my learned colleague
8 has found the mention of the Border Mark T.

9 I understand that he may cross-examine the
10 witness on all the documents which refer to the Lake
11 Khasan area, but why should he refer to the affidavit
12 which contains no mention of the Border Mark T? Be-
13 sides, he should verify whether the Border Mark T was
14 on the territory which was guarded by the Posiet frontier
15 guard.

16 MR. FURNESS: I think what I said must have
17 been mistranslated, because I did not refer to the
18 exhibit; I referred to evidence before this Tribunal.

19 COLONEL SMIRNOV: In that case, I object to
20 this question because you cannot cross-examine the
21 witness concerning all the state borders of the USSR,
22 especially on the basis of a blind map. I think the
23 defense counsel will hardly find specialists -- a
24 cryptographer who could by memory tell all the state
25 borders of the USSR. Besides, it seems to me that the

1 Border Mark T has no connection, neither to the hill
2 Zaozernaya nor to the hill Bezjimjannaya; that is, it
3 has no connection with the events of 29 and 31 July.

4 MR. FURNESS: If the Court please, Border Mark
5 T is referred to in exhibit 753, in which a very brief
6 excerpt from the Russian text of the Hungchun Annex is
7 given. This border mark is, as I understand it, between
8 the village of Podgornaya and the summit of the hill
9 which apparently the witness has testified was only two
10 or three kilometers away.

11 THE PRESIDENT: Is it clear that it is within
12 the area where he operated as a border guard?

13 MR. FURNESS: Yes, your Honor, it is. He
14 apparently had no trouble in marking what he thought
15 it was.

16 COLONEL SMIRNOV: Maybe the defense counsel
17 better ask the witness himself concerning this point,
18 and maybe it would have been more simple to give him the
19 map with the names, and then there would be no neces-
20 sity to mark the names on the map -- the geographical
21 names on the map, roughly.

22 THE PRESIDENT: I think the correct thing to
23 do is to re-examine on this, Colonel. I do not think
24 that at present you are justified in interfering with
25 the cross-examination, so proceed with the cross-
examination on these lines, Major Furness.

1 MR. FURNESS: Has the photostat which the wit-
2 ness just marked been passed to the Judges so that they
3 can mark their copies?

4 Q You know where the Border Mark T is, don't
5 you, Witness?

6 A Yes, I remember the location of this Border
7 Mark T.

8 Q Now, the border marks in this border country
9 are quite far apart, are they not?

10 A I remember the Border Mark T, which is not
11 far from the border guard outpost just on the bank of
12 the River Tumen.

13 Q Where is the next border mark?

14 A The next border mark is farther to the north,
15 but I don't remember exactly where it is -- where it
16 was.

17 Q Do you know approximately in kilometers?

18 A Approximately seven or eight kilometers from
19 the Border Mark T.

20 Q Well, now, there are very few border marks in
21 that rough, hilly country, are there not?

22 A Yes, there were few border marks in that
23 area, but they showed clearly enough the state border-
24 line.

25 Q Now, there are flat places between the hills,

1 aren't there?

2 A I don't know. About what hills do you speak?

3 Q Between the hills in the vicinity of Hill
4 Zaozernaya along the border with which you are familiar.

5 A The state borderline passed from the Border
6 Mark T along the crest of the hills -- along the crest
7 of the Hill Zaozernaya, then west of the Bezjimjannaya
8 Hills, and then passed on to the flat country, and then
9 to the big hills which were far to the north.

10 Q But even to the south of the Hill Bezjimjannaya
11 and Hill Zaozernaya there are flat places between the
12 crest of the hills, are there not?

13 A There is a whole range of small unnamed hills
14 along the crest of which the state borderline passed.

15 Q Please answer the question. Are there not
16 flat places between the tops of those hills?

17 A I don't understand the question. Between
18 what hills do you mean?

19 Q Between the hills Bezjimjannaya, Zaozernaya,
20 and south or southeast to Border Mark T.

21 A There were rivers but no flat places. The
22 flat places are only near the Lake Khasan to the north-
23 east of the Hill Zaozernaya.

24 MR. FURNESS: The map has contour marks, so it
25 will speak for itself, I suppose.

1 Q The Hill Zaozernaya itself is a flat topped
2 rather than peaked hill, is it not?

3 COLONEL SMIRNOV: If the contours on the
4 maps speak for themselves, maybe then my learned col-
5 league will show me the flat country marked there. I
6 would appreciate that.

7 THE PRESIDENT: Well, he has passed away from
8 that, Colonel, but he probably will oblige you by point-
9 ing it out. The witness said nothing to help him in
10 that regard.

11 MR. FURNESS: I can test his knowledge, of
12 course, without showing him the map.

13 Q Now can I have an answer to my previous
14 question?

15 A There is no flat top on the Zaozernaya Hill.
16 The top of the Zaozernaya Hill is not broad.

17 Q Isn't it a long ridge rather than a peak?

18 A The range of the Zaozernaya Hill is approxi-
19 mately -- The crest of the Zaozernaya Hill is approxi-
20 mately 200 meters and there are no peaks there.

21 Q And the Soviet Union claimed that the border
22 ran all along that crest, did it?

23 A Yes, the state borderline passed along the
24 crest of the Zaozernaya Hill.

25 Q Now, tell me, is it not difficult in that

1 rough country, with the markers far apart, to tell on
2 which side of the border you are?

3 A No, for a border guard there is no difficulty
4 in that.

5 Q You can always tell whether you are exactly
6 on the line or on one side or the other, is that true?

7 A Yes, I can tell precisely on what side of the
8 state borderline I am.

9 THE PRESIDENT: Is that with the naked eye or
10 with the use of instruments?

11 THE WITNESS: We border guards, studying
12 the country from the moment we arrive at the outpost,
13 can tell the borderline on the basis of the country.

14 THE PRESIDENT: Could there be an honest
15 difference of opinion about those matters?

16 THE WITNESS: Your Honor, this question is not
17 clear enough for me. With whom?

18 THE PRESIDENT: Well, you have no difficulty
19 in knowing what the border is, you say?

20 THE WITNESS: Yes, I said that I can tell
21 where the borderline passes without any difficulty.
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1 Q The vicinity of that hill during the
2 months of July and August is often very foggy, is
3 it not?

4 A Usually there are no dense fogs there.

5 Q As I understand from your affidavit, there
6 were no field troops of the Red Army in that vicinity
7 during the month of July?

8 A Yes, prior to July 31 there were no field
9 troops of the Red Army in the area of the Zaozernaya
10 Hill.

11 Q And there were only thirty frontier guards?

12 A Yes, from the middle of July after the time
13 of the clash on July 31 there were only thirty border
14 guards on the Zaozernaya Hill.

15 Q Armed with rifles, light and heavy machine
16 guns, that is correct?

17 A Each border guard had rifles; then we had
18 three light machine guns and one heavy machine gun.

19 Q The inhabitants in that region to the west
20 of Lake Khasan and Zaozernaya Hill are chiefly Korean
21 in race, are they not?

22 A I don't know that. I don't know what the
23 population of that area was at that time.

24 Q Do you speak Korean?

25 A No.

1 Q You do not read it, do you?

2 A No, I don't read Korean, don't write Korean,
3 and don't speak Korean.

4 Q Now, do you know what the meaning of Lake
5 Khasan is in Manchurian?

6 A No.

7 Q Does it not mean "border lake"?

8 A I told you I don't know.

9 Q Is there a railroad in the vicinity of
10 Hill Zaozernaya?

11 A What territory do you mean? If you mean the
12 Soviet territory there is no railway on the Soviet
13 territory in the vicinity of Zaozernaya Hill.

14 Q Is there a railway in Korean or Manchurian
15 territory?

16 A Yes, there was a railway on that territory
17 over the Tumen-Tula River.

18 Q Is that in Korean or Manchurian territory?

19 A I can't say exactly on what territory but it
20 seems to me that the railroad passed from the Manchurian
21 territory into Korean territory.

22 Q Do you know whether the territory across the
23 Tumen-Tula River from Hill Zaozernaya is Korean or
24 Manchurian?
25

A I don't know.

1 Q Now, "bezjimjannaya" in the Russian language
2 means simply that the hill has no name, doesn't it?

3 A Yes, this "no-name" hill was called
4 "Bezjimjannaya. That was the name of the hill.

5 Q But there were many hills in that region
6 which have no particular name but which are called
7 Hill Bezjimjannaya, aren't there?

8 A This hill which has more sharp contours
9 than the other hills was called by our border guards
10 Bezjimjannaya Hill. It was a name and not a general
11 term.

12 Q Then in exhibit 753 which includes many
13 reports from the Posiet detachment referring to
14 "no-name" hill, they all refer to the same hill, do
15 they?

16 A I am not familiar with the document which
17 you mentioned.

18 Q In your affidavit you testified that from
19 July 15 on you observed concentrations of Japanese
20 troops in the vicinity of the hill, that you estimate
21 that there were 600 to 700 soldiers there, and the
22 Japanese batteries were mounted on some of the hills.
23 You, of course, reported this to your superior
24 officers, did you not?
25

A My superior officer saw what was going on

on the opposite side together with me.

1 Q And he, no doubt, reported it to the
2 headquarters of the Posiet detachment, didn't he?

3 A I don't know exactly but I suppose that
4 under the chain of command, being an officer, he had
5 to report that.
6

7 Q And he reported this was for the object of
8 attacking Soviet territory?

9 A I don't know what he reported.

10 Q How did you know all this?

11 A About what?

12 Q About this concentration.

13 A I saw that with my own eyes.

14 Q Did you not have agents in the Japanese--
15 in the Manchurian territory?

16 A I don't understand. About what agents do you
17 speak?

18 Q Spies.

19 A I was a soldier and they knew nothing about
20 such things -- and they didn't know about such things.

21 Q What caliber were these guns of which the
22 Japanese batteries consisted?

23 A I didn't touch them with my own hands but
24 I suppose the caliber was 75 millimeter or 100 milli-
25 meter.

1 Q Were they not, in fact, 37.5 millimeter
2 short range guns?

3 A No. Their calibre, as I told you, was 75
4 millimeter, 100 millimeter, and maybe more.

5 Q Who told you that?

6 A I felt it on my own skin.

7 Q I am referring to the time between July 15
8 and July 29.

9 A No, I mean on the night of July 31.

10 Q I am not asking you that. I am asking you
11 what you observed in the ten or twelve days after
12 July 15, 1938.

13 A After July 15 I saw from the Zaozernaya Hill
14 how the Japanese forces crossed the river Tumen-Tula.

15 Q I am asking about the calibre of the guns.
16 Were they not short range guns at that time?

17 A No, I already told you that these were not
18 short range guns.

19 Q I think you are talking about different times
20 from what I am talking about. I am talking about be-
21 fore July 29, 1938 and you are talking about after.
22 Where were you when you saw this?

23 A From the Zaozernaya Hill.

24 Q On the western slope of the hill?

25 A No, from the eastern slopes of the hill.

Q Which side of the crest of the mountain?

A The crest has two sides, the western and the eastern. I was on the eastern side of the Zaozernaya Hill. And, being on the eastern side of the Zaozernaya Hill, I saw this from the observation post with the help of a periscope.

Q How far from the crest were you?

A At different times the distance was different. Sometimes it was two meters from the crest of the hill.

Q In your affidavit you say that during the period -- this period you observed the Japanese turn the inhabitants out of the village of Hanoka which was situated at the foot of Hill Zaozernaya in the territory of Manchuria. That village is in Manchurian territory, is it not? Where were you when you observed that?

A I was on the Zaozernaya Hill.

Q Summit?

A Not far from the summit. Approximately one and one-half or two meters from the summit, as I already stated.

Q And that village is about a thousand meters, is it, from the summit?

A No. This village is at the foot of the Hill Zaozernaya.

1 Q But it is about a thousand meters away from
the summit.

2 A No, it is much closer.

3 Q How close?

4 A About three hundred meters.

5 Q Did you hear anything going on from the
6 village at that time?

7 A As I have already stated, I saw what was
8 going on in the village, and at night time I heard
9 what was going on there.

10 Q You could hear that distance away, could you?

11 A Yes, at night time, very clearly.

12 Q And the next morning you found that the
13 inhabitants had been moved out and Japanese troops
14 moved in, is that right?

15 A Yes, as you say.

16 Q Now, on page 6 of exhibit 753 it appears
17 that the Posiet Detachment reported that the inhabi-
18 tants of that village staged a demonstration. Did
19 you observe that?

20 A I didn't see that.

21 Q Now, you, of course, reported this to your
22 superior officer, did you not?

23 A What is it you mean that I reported?

24 Q The evacuation of this village and the
25

Japanese troops moving in.

1 A Yes, that I reported to my superior --
2 immediate superior officer.

3 Q Now, the building of these entrenchments and
4 the evacuation of civilian population was all on
5 territory within the borders of Manchuria, was it
6 not?

7 A I can't understand the question quite enough.
8 About what entrenchment works do you speak?

9 Q Where these guns were put and the troops
10 were concentrated.

11 A The Japanese were concentrating their forces
12 around the Hamoka village -- in the Hamoka village
13 and to the northwest of the Hamoka village there is
14 a hill on the Manchurian territory which --

15 Q Have you finished?

16 A (Continuing) -- and on this hill, which was
17 to the northwest of the Zaozernaya Hill which was on
18 the Manchurian territory, the Japanese did mount the
19 guns and artillery batteries from which they later
20 on fired at us.

21 THE PRESIDENT: We will adjourn now until
22 half-past one.

23 (Whereupon, at 1200, a recess was
24 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: With the Tribunal's permission
the accused OKA will be absent from the courtroom
for the whole of the afternoon session conferring with
his counsel.

Major Furness.

- - -

GILFAN A. BATARSHIN, called as a
witness on behalf of the prosecution, resumed
the stand and testified through Russian inter-
preters as follows:

CROSS-EXAMINATION

MR. FURNESS: May I ask that the last question
and answer be read?

(Whereupon, the question and answer
were read by the official court reporter as
follows:

"Q Where these guns were put and the troops
were concentrated.

"A The Japanese were concentrating their forces
around the Hamoka village -- in the Hamoka village

1 and to the northwest of the Hamoka village there
2 is a hill on the Manchurian territory which --
3 and on this hill, which was to the northwest of
4 the Zaozernaya Hill which was on the Manchurian
5 territory, the Japanese did mount the guns and
6 artillery batteries from which they later on fired
7 at us.")

8 BY MR. FURNESS (Continued):

9 Q And this long range artillery, if any, was on
10 the other side of the River Tumen, was it not? What I
11 mean, to the west of the River Tumen.

12 A Yes. From the western bank of the Tumen Tula
13 River during the fighting -- I mean the fighting of
14 July 31st -- long range batteries, heavy caliber
15 artillery, was firing, and in particular they had one
16 battery mounted on an armored train which several times
17 opened fire, moving out of the tunnel.

18 Q That was all after the 31st of July, was it not?

19 A All that was on the night of July 31 and on
20 the 31st of July -- in the morning of July 31 and during
21 the whole day.

22 Q You mean the night of the 31st of July and the
23 first of August, morning of the first of August?

24 A No, I mean the night from July 30 to July 31
25 and the morning of July 31.

1 Q Well, now, the building of trenches and the
2 building of barbed wire and evacuation of civilians from
3 the territory between the River Tumen and Hill Zaozernaya,
4 obviously this was done because fighting was expected
5 in that area, wasn't it?

6 A The Japanese apparently constructed all these
7 fortifications and mounted guns and trench mortars on
8 the hill, that is, to the northwest of the Zaozernaya
9 Hill, for the purpose of starting the offensive.

10 Q That is simply your conclusion as a section
11 leader.

12 A That was my conclusion made at that time and
13 actually it happened in this way that the Japanese
14 attacked us and --

15 Q I didn't ask you that. That was your conclusion
16 as a section leader, was it not, at that time? That is
17 correct, isn't it?

18 A At that time I made this conclusion it was my
19 personal conclusion that the Japanese would open an
20 offensive and later experience showed that I was right
21 as the Japanese did start the offensive on the night of
22 July 31.

23 Q That is a matter of opinion. Now, was there
24 any firing by Soviet troops or Soviet frontier guards
25 on Japanese gendarmes, civilians or troops before the

1 29th day of July?

2 A As I told you previously, there were no Soviet
3 forces in the area of the Zaozernaya Hill. Only border
4 guard units were in that area.

5 Q Were there --

6 A Just a moment, I will continue my answer. And
7 prior to July 29 there was a case when our border
8 guards killed or shot one person from the local popula-
9 tion who violated the border.

10 Q That was on the --

11 A I continue. This inhabitant crossed the state
12 border south of the Zaozernaya Hill. That was on July --
13 approximately on July 15, 16 -- I don't remember the
14 exact date. Having violated the state border and having
15 penetrated thirty meters into our territory to the south
16 of Zaozernaya Hill, he began to take pictures of the
17 Zaozernaya Hill and began to make some notes in his
18 notebook. After this violation took place, the commander
19 of the frontier guard outpost, Teroshkin, sent out a
20 group of border guards, that is, two border guards, for
21 the purpose of detaining this person. I heard that on
22 their way they -- I heard them to cry "halt" on their
23 way to the person but in spite of that the person started
24 running towards the state border in the direction of
25 Manchurian territory.

1 Because he did not stop they opened fire and
2 killed him on our territory. He did not stop notwith-
3 standing their halt signal and they shot him on our
4 territory. His body was taken by our frontier guards
5 on our territory and was brought to the foot of the
6 Zaozernaya Hill where I personally saw the corpse
7 and the camera and the notebook which the inhabitant
8 had on him, and the notebook with the notes made by him.

9 In no other cases did our frontier guards open
10 fire against the local population.

1 Q And that incident took place on the southern
2 slope of the Hill Zaozernaya?

3 A No, that is a little bit to the south, about
4 three hundred meters, from the Zaozernaya Hill.

5 Q South of the Zaozernaya Hill?

6 A The person penetrated into our territory
7 southeast of the Zaozernaya Hill, and he almost reached
8 the bank of Lake Khasan.

9 Q Tell me, was that gendarme -- was the man
10 killed, LATSUSHIMA?

11 A I don't know who he was, gendarme or not, and
12 I don't know his name.

13 Q Now, on page 5 of exhibit 753 there is a
14 report from the Posiet Detachment that early on the
15 morning of the 23d, Section Leader Zhavgorodnin located
16 four Japanese and Manchurian soldiers and fired on them
17 with a machine gun. Do you remember that incident?

18 A I knew nothing about this report.

19 Q Now, you weren't present when this man was
20 shot to which you just testified, were you?

21 A Yes; at that time I was on the Zaozernaya Hill.

22 Q Now, this report that I spoke of on page 5
23 goes on saying that Captain Magalov -- do you know him?

24 THE RUSSIAN INTERPRETER: The witness replied:
25 I know Captain Magalov.

1 The statement by the Russian prosecutor:
2 Before the witness will answer I wish to draw the
3 attention of the Tribunal to the fact that the tele-
4 gram of which the defense counsel spoke has no con-
5 nection whatsoever with the outpost on the Zaozernaya
6 Hill.

7 MR. FURNESS: Well, it has connection with
8 his affidavit, please.

9 Q You know Captain Magalov, do you?

10 A Yes, I know Captain Magalov.

11 Q He was a frontier guard, wasn't he?

12 A Yes, he was a border guard. He was a com-
13 mander of the reserve unit, and during the fighting
14 of July 29th, 30th and 31st he was in Posiet and
15 did participate in the fighting.

16 Q Now, in your affidavit, page 2, the first
17 four paragraphs, you testify regarding the delivery
18 of letters from the commander of the Japanese detach-
19 ment demanding withdrawal of frontier guards from the
20 Hill Zaozernaya. This report on page 5 of exhibit 753
21 which I just mentioned says that Captain Magalov was
22 sent forward as a result of seeing these four Japanese-
23 Manchurian soldiers, and that the Japanese and Manchur-
24 ian soldiers escaped, but found at the place where they
25 had seen them a letter. This letter read: "On July 16

1 a letter was sent in the district of the long island:

2 THE MONITOR: Just a moment, Mr. Furness.

3 MR. FURNESS: Page 5, page 5 of the exhibit.

4 THE MONITOR: We have the exhibit, Mr. Fur-
5 ness, but not page 5. Several sections of this ex-
6 hibit are missing. If you have an extra copy, we would
7 like to have it; if not, will you go slowly?

8 MR. FURNESS: I haven't an extra copy. I will
9 go slowly.

10 "On July 16 a letter was sent in the district
11 of the long island:

12 (1) Immediately answer this letter.

13 (2) Immediately withdraw from our territory
14 in the Lake Khasan area, if not situation will become
15 grave.

16 (3) The questions which recently arose be-
17 tween us is becoming tense, we are always ready to
18 start negotiations on the frontier line of outpost
19 Khunchun. I want to know your opinion."

20 Now, is this the same letter to which you
21 referred in the testimony in your exhibit on page 2
22 of the English text?

23 A I personally do not know at what place, that
24 is, did not see at what place these four people from
25 the local population carrying the letter were detained.

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1 But I personally heard from the commander of the unit
2 that some people from the local population were held
3 up and that they carried the letter in which the
4 Japanese were threatening us.

5 Q It appears from this report they are not local
6 population, but four Japanese and Manchurian soldiers.

7 A No, I heard that these persons were from local
8 population.

9 Q From where did you hear it, Magalov?

10 A No, I heard that from commander of the outpost,
11 Tereshkin.

12 Q I now ask you again, were the contents of the
13 letter about which you heard from this man you just men-
14 tioned the same as the contents of the letter I read
15 from exhibit 753?

16 A I do not remember exactly, but on the same line.

17 Q The gist is the same?

18 A I can't say positively, because I heard from
19 the commander of the outpost only the contents of the
20 letter but I haven't seen or haven't read the letter itself

21 Q Yes. Now, do you know what was done with the
22 Japanese or Manchurians or Koreans who carried those
23 letters?
24

25 A I have told you already that I didn't see these
trespassers myself and I can't positively state who they

1 were.

2 Q This report would indicate they carried a
3 white flag. Do you know anything about that?

4 A I have told you that I did not personally
5 observe the occasion.

6 Q Now, did the Soviet frontier troops dig any
7 entrenchments during this period prior to July 29?

8 A The Soviet border guards prior to July 29 did
9 not make any trenches or construct any constructions
10 in the area of the Zaozernaya Hill.

11 Q No barbed wire?

12 A No barbed wire either, because there was no
13 necessity for making wire entanglements for the border
14 guard.

15 Q And throughout that period before July 29,
16 the Soviet border guards numbered only thirty, is that
17 correct?

18 A I haven't fully understood your question.

19 MR. FURNESS: Would you repeat it -- or I will
20 restate it again.

21 Q So that, I understand, throughout that period
22 the number of Soviet border guards was only thirty on
23 that hill?

24 A All the time through July 31 there were only
25 thirty border guards on the Zaozernaya Hill.

1 THE PRESIDENT: Thirty-eight, wasn't it?

2 MR. FURNESS: Thirty, he said.

3 Q So that even after messages had been sent back
4 by you outlining a concentration of six to eight hundred
5 Japanese troops, building of fortifications, mounting
6 of artillery, evacuation of civilian population,
7 receipt of messages demanding withdrawal of the garrison
8 on the hill, there remained only thirty civilian troops
9 without any fortifications, barbed wire entrenchments,
10 and armed only with rifles, three light machine guns,
11 and one heavy machine gun; is that correct?

12 COLONEL SMIRNOV: I deem the term civilian
13 soldiers, civilian guards, is being used by my colleague.
14 The witness has already replied that these were the
15 soldiers of the Soviet Border Guard Corps; soldiers,
16 and not civilians.

17 MR. FURNESS: I think it must be a difference
18 in translation because I said border guards, which was
19 the term which was used.

20 THE PRESIDENT: That is right.

21 Q Will you answer that question, then?

22 A As I stated previously, there were no troops
23 in this area except border guards, and on the Zaozernaya
24 Hill there were only thirty border guards. And from
25 the standpoint of this border guard duty that was quite

1 a considerable unit which could detain a large number
2 of enemy.

3 Q Only thirty, I gather, is the answer.

4 Now, in your affidavit you testify on the second
5 page that on the 29th a clash occurred -- I am sorry;
6 I withdraw that.

7 In your affidavit on the second page you testify
8 that on July 29, 1938, at four o'clock in the afternoon,
9 the clash occurred between the Japanese troops and the
10 Soviet military border guards; that a hundred Japanese
11 soldiers were involved, and that you came up with re-
12 inforcements. As I understand it from previous testimony
13 and affidavits, the number of Soviet frontier military
14 border guards first involved in that clash were eleven;
15 is that correct?

16 COLONEL SMIRNOV: I must draw the attention of
17 the Court--

18 MR. FURNESS: I object.

19 COLONEL SMIRNOV: --that my learned colleague
20 speaks about another patrol of the border guards which
21 were seen from the Zaozernaya Hill but were not on the
22 Zaozernaya Hill, and you cannot mix up both patrols.

23 Q Where was this clash?

24 A On the 29th of July I was on the Zaozernaya
25 Hill.

1 Q Just answer my question, please, and do not go
2 into a long discourse.

3 You were on Zaozernaya Hill. And where did
4 this clash start?

5 A On the 29th of July at approximately 16 o'clock,
6 the Japanese soldiers, more than a hundred in strength--

7 Q Just a minute.

8 A (Continuing) --attacked the Bezjimjanneya Hill.
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1 Q I want to ask you: where did that clash
2 start?

3 A That clash began on the Bezianniannaya
4 Hill itself, which hill was on the Soviet territory,
5 and only eleven border guards were on that hill.

6 Q And exhibit 753 indicates that that
7 hill was two kilometers north of Hill Zaozernaya;
8 is that correct?

9 A I do not remember that I said to the south.
10 I spoke about an unnamed hill which is to the north-
11 east of the Zaozernaya Hill.

12 Q I didn't ask you that. I asked you whether
13 the statement on page 4 of exhibit 753, which pur-
14 ports to be a report from the Posiet Frontier Guard,
15 that the offensive occurred against a ~~no-name~~ hill
16 on the frontier line two kilometers north of Hill
17 Zaozernaya is correct.

18 COLONEL SHIRNOV: I think it is necessary
19 to draw the attention of the Court to the fact that
20 my colleague has spoken about the attack which took
21 place to the south of the Zaozernaya Hill, and we
22 don't know on what he is basing this statement of
23 his. The witness has already stated that he is not
24 familiar with exhibit 753. Besides, in the exhibit
25 itself to which the defense counsel refers, the

1 question is of the attack which occurred to the north
2 of the Zaozernaya Hill and not to the south.

3 MR. FURNESS: I think again there must be an
4 error in translation because I said distinctly twice
5 "north" -- two kilometers north of Hill Zaozernaya.

6 Q I will read it to you again, then.

7 THE PRESIDENT: Is it worth all this, Major
8 Furness?

9 MR. FURNESS: Yes, I think so, sir. It
10 deals with a large part of his affidavit. I want to
11 see if it is the same attack; I should say the same
12 skirmish.

13 THE PRESIDENT: Were there more than two
14 skirmishes on the 29th of July, 1938?

15 MR. FURNESS: Not as far as I know. I wasn't
16 there.

17 THE PRESIDENT: I am asking him.

18 MR. FURNESS: Excuse me, sir.

19 THE WITNESS: Prior to July 29 there were
20 no clashes in this area.

21 MR. FURNESS: I think your Honor said on
22 July 29, but I am not sure.

23 THE PRESIDENT: Yes.

24 RUSSIAN INTERPRETER: The witness says that
25 prior to 29 July there were no clashes in that area.

1 THE PRESIDENT: I said, were there two
2 clashes on the 29th of July, 1939.

3 THE WITNESS: Your Honor, on July 29
4 there was only one clash at about 16 hours, but not
5 two clashes.

6 Q And this exhibit 753 reports a clash on
7 July 29, same hour that you testified to, that is
8 16 hours, which occurred on a no-name hill on the
9 frontier line two kilometers north of Hill Zaozer-
10 naya, and reports a further clash -- it may be part
11 of the same skirmish -- which occurred on a no-name
12 hill 1,000 meters northwest of Hill Zaozernaya.
13 Now, is that report correct?

14 A I do not know to what report you refer. But
15 I being an eyewitness of all these occurrences, must
16 say that on the 29th of July, 16 hours, there was
17 one clash on the Bezimiannaya. The Bezimiannaya
18 Hill is the same as no-name hill.

19 Q And that was two kilometers away, was it,
20 from the top of Zaozernaya?

21 A No, I think closer.

22 Q About 1,000 meters?

23 A Approximately 700-800 and 1,000 meters to
24 the northeast of the Zaozernaya Hill.

25 Q You were on the top of Zaozernaya; is that

1 correct -- when it started, I mean?

2 A I was on the eastern slope of the Zaozer-
3 naya Hill, and I could clearly see from there the
4 summit of no-name hill. And I personally saw how the
5 Japanese concentrated their forces across the state
6 border line, concentrated their forces on their
7 territory across the border line, and using the
8 ravines approached closely the border line.

9 Q It was perfectly clear that afternoon, was
10 it?

11 A That day there was a slight drizzle, but
12 the hill was clearly seen in spite of this.

13 Q Wasn't there a dense fog?

14 A No, there was no dense fog. I clearly saw
15 the Japanese soldiers, their movements, and I also
16 clearly saw how they waved the blades of their sabers
17 and cut our border guards.
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1 Q And what you call the attack by the
2 Japanese was not --

3 (The witness started to speak)

4 Q (Continuing) Wait a minute, I haven't
5 finished.

6 -- was not made under the cover of fog.

7 A I can't say that there was fog. There was
8 a slight drizzle, and the Japanese didn't move under
9 the cover of the fog, but they used the ravines which
10 allowed them to approach closely to the "no-name"
11 Hill.

12 Q On your affidavit, page 2, you testify that
13 you came up with reinforcements. Who ordered you to
14 do so?

15 A I and four border guards were dispatched
16 by the Zaozernaya Hill by Tereshkin to the Bezjim-
17 jannaya Hill to the rescue of the border guards there.
18 Having approached this hill, approximately 200 meters,
19 I opened fire. From the site of the outpost of
20 Zaozernaya another group of border guards approached
21 this place, as I narrated, and by joint flank movement
22 we repulsed the Japanese troops from our territory.
23 After the Japanese had been repulsed from our
24 territory on to their territory, I arrived at the
25 place of the clash and I saw that all 11 of our

border guards were stabbed.

1 THE PRESIDENT: Do you want him to repeat
2 what is in his affidavit?

3 MR. FURNESS: No.

4 A (Continuing) Five of them were dead and
5 others were heavily wounded.

6 Q Then, I gather that -- It would appear from
7 your affidavit that you with your four frontier
8 guards did not drive off the Japanese company of about
9 150 men; is that correct?
10

11 A Yes, my unit -- our unit -- in connection
12 with another unit which approached this place from
13 the site of the other outpost drove out the Japanese
14 beyond the State border.

15 Q Tell me, was not this the border skirmish
16 in which the Japanese troops withdrew to avoid any
17 further clash?

18 THE RUSSIAN MONITOR: Will you repeat once
19 more, Mr. Furness, please?

20 THE PRESIDENT: Well, isn't it a matter for
21 us, really?

22 MR. FURNESS: Yes.

23 Q I gather that even after this clash, the
24 number of border guards on that hill remained the
25 same; is that correct? Except for those who had been

1 killed in the skirmish.

2 A Yes, the number of the border guards didn't
3 increase after that.

4 Q So that if the reports of the concentration
5 of the Japanese Army were correct, it was intended
6 to start a war and there was no real force to stop
7 the Japanese Army from marching deep into Soviet
8 territory; is that correct?

9 A How could they penetrate into the Soviet
10 territory when the border guards were there?

11 Q Thirty border guards against several hundred
12 Japanese armed with artillery.

13 THE PRESIDENT: Don't argue with him.

14 MR. FURNESS: All right.

15 Q As I understand it, the next clash occurred
16 about midnight on July 31st?

17 A Yes, the next clash occurred on the night of
18 July 31.

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1 Q And, that involved one infantry regiment of
2 Japanese forces, did it not?

3 A Yes, I think there was one regiment rein-
4 forced by artillery, and maybe more, but I don't
5 remember the details.

6 Q How many men in an infantry regiment of
7 Japanese?

8 A I don't know exactly.

9 THE RUSSIAN MONITOR: Please correct the
10 previous answer by the witness. Instead of, "I
11 don't remember," "I don't know."

12 A (Continuing) My rank was small at that time,
13 and I was not interested in the organization of the
14 Japanese forces.

15 Q But, I gather that you want this Tribunal
16 to believe, with those thirty men -- thirty frontier
17 military border guards, of which fifteen or twenty
18 were killed at the start of the attack, you held the
19 hill for six hours?

20 A I and my group had no casualties on the 29th.

21 THE PRESIDENT: What about the 31st?

22 Q I mean, between midnight of the 31st and 6:00
23 o'clock on the morning of August 1.
24

25 A After the fighting which took place on the
29th of July, I returned to the Zaozernaya hill and

1 participated, together with all others of our border
2 guards, in the fighting which -- in the fighting for
3 the Zaozernaya hill, which occurred on the night of
4 July 31.

5 Q And, you and those border guards held that
6 hill for six hours with that number of men, is that
7 correct, until 6:00 o'clock that morning.

8 THE PRESIDENT: Well, he says so in his
9 affidavit. Less credible things have happened. I
10 wouldn't waste a lot of time on that.

11 MR. FURNESS: All right, I don't --

12 COLONEL SMIRNOV: Mr. President, that is
13 exactly why he was awarded the title of the Hero of
14 the Soviet Union.

15 MR. FURNESS: We will leave that until
16 summation.

17 Q Now, at 6:00 o'clock you saw the Japanese
18 soldiers come on the crest of the hill. That was
19 the first time you saw them on the crest of the hill,
20 wasn't it?

21 A As I said before, after the 29th of July,
22 that is, on the night of July 31, during the fighting
23 thirty soldiers from our regular troops approached us,
24 and by the moment of the clash, which occurred on the
25 night of July 31, this platoon of our field troops

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1 participated in the clash, and, as far as I know,
2 this platoon of our regular troops was near Zaozer-
3 naya hill, seven to eight kilometers, and were
4 engaged in "making hay." Thus, about 2:00 or 3:00
5 o'clock in the night, besides thirty border guards,
6 this platoon also participated in the fighting.

7 THE RUSSIAN MONITOR: Correction. Instead
8 of "2:00 or 3:00," it should be "1:00 or 2:00
9 o'clock in the night."

10 THE PRESIDENT: We will recess for fifteen
11 minutes.

12 (Whereupon, at 1445, a recess was
13 taken until 1500, after which the proceed-
14 ings were resumed as follows:)

15 - - -

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2 this platoon of our regular troops was near Zaozer-
3 naya hill, seven to eight kilometers, and were
4 engaged in "making hay." Thus, about 2:00 or 3:00
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Furness.

4 BY MR. FURNESS (Continued):

5 Q Now, Major, I will put to you again the
6 last question which you did not answer.

7 In your affidavit you say that at six o'clock
8 you saw the Japanese soldiers come on the crest of the
9 hill. That was the first time you saw them on the
10 crest of the hill. was it not?

11 A In the morning I saw them come on the crest
12 of the Zaozernaya Hill and wave their sabers, but
13 during the night we were engaged in fierce fighting on
14 the eastern slopes of the Zaozernaya Hill. The
15 Japanese attacked us from the direction of the southern
16 slopes of the Zaozernaya, penetrated into the rear of
17 our territory, and fighting flared up in the rear of
18 our sector on the Zaozernaya Hill.

19
20 RUSSIAN MONITOR: Correction: In the immed-
21 ate rear of our sector on the Zaozernaya Hill.

22 Q That is not what I asked you; I asked you
23 whether six o'clock that morning wasn't the first time
24 you had seen the Japanese soldiers on the crest of the
25 hill. Is that correct? You can answer it yes or no,
it seems to me.

1 A In general, I had never seen them before on
2 the crest of the Zaozernaya Hill.

3 RUSSIAN MONITOR: Delete the word "before."

4 Q You had occupied the top of the hill until
5 that time?

6 A As I stated before, we were on the eastern
7 slopes of the Zaozernaya Hill. As the state border
8 ran along the crest of the Zaozernaya Hill, we were
9 not allowed to trespass it, and our border guards were
10 categorically forbidden to trespass the state border,
11 in accordance with the instructions of our border guards.

12 Q Now, you testify in your affidavit, and I quote:
13 "I may testify that during the whole time of my ser-
14 vice in the 59th Frontier Detachment there was not a
15 single case of the breach of the Soviet State-Manchurian
16 frontier by the frontier guards of our detachment."

17 I now put you a question that was asked of one
18 of the defense witnesses by General Vasiliev, the Soviet
19 prosecutor. It appears on page 22,731 of the record:

20 "And you, as a military man, understand cer-
21 tainly that during the course of fighting some definite
22 time could have been violated by any of these parties?"

23 What is your answer to that, as a military man?

24 COLONEL SMIRNOV: I object to this question,
25 since the question asked by General Vasiliev has nothing

1 to do with this witness; and secondly, the question
2 asked by General Vasiliev referred to the subsequent
3 events, that is, to the events when the field troops
4 entered into the battles, but it did not refer to the
5 period of time when the border guards were engaged
6 in fighting; and thirdly, this question was asked
7 in abstract form and not with regard to concrete cir-
8 cumstances.

9 MR. FURNESS: I think the question was asked
10 the witness with regard to fighting in this particular
11 place. In his answer he testified he took part in the
12 fighting. Certainly it wasn't intended by General
13 Vasiliev to go into abstract discussions with him, I
14 believe.

15 I put the same question to him with regard to
16 the fighting in which he took part.

17 THE PRESIDENT: With that limitation the ob-
18 jection is overruled.

19 Q Will you answer the question, please?

20 A We, the border guards, under any circumstances,
21 even while waging battles, were categorically forbidden
22 to trespass the state border, and under any circumstances--
23 and in this case during the fighting in the area of
24 the Zaozernaya Hill we were forbidden to violate the
25 state border, and we border guards are forbidden not

1 only from trespassing the state border, but also when
2 we are compelled to use our arms against the tres-
3 passers of the border, we should fire so that the
4 bullets do not fall on the neighboring territory; and
5 since fighting was going on on the eastern slopes of
6 the Zaozernaya Hill, the violation of the border by
7 the border guards was out of question -- by the Soviet
8 border guards.

9 Q Now, how long was Lieutenant Tereshkin in
10 action?

11 A I don't remember exactly, but I think until
12 five o'clock in the morning since after five o'clock
13 Tereshkin could not command and since he had been
14 heavily wounded.
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1 Q Have you at any time discussed your testimony
2 with him?

3 A I haven't seen Tereshkin for about two years.

4 Q Did you read his testimony before this
5 Tribunal?

6 A I never read his testimony.

7 Q Did you discuss your testimony with Chezno-
8 pyatko?

9 A I never spoke to him specifically, but I
10 simply made a general outline of what is well known both
11 to me and to him.

12 Q You made that with him, in collaboration?

13 A Since we both participated in this fighting
14 together, I presume he knows as much as I do. He was
15 the same eyewitness and participant of this battle as I
16 was, and so neither I could get anything from him nor
17 could he get anything from me.

18 Q Yes, but both your affidavits were taken on
19 the same day, at the same place, before the same officer?

20 A The affidavits were taken on the same day, but
21 not at the same hour.

22 Q Did you come here to Tokyo with him?

23 A Yes, I did.

24 Q And did you not during that trip discuss yours
25 and his testimony before this Tribunal?

1 A No, I didn't think it necessary.

2 Q You never mentioned it on the entire trip?

3 A There was no need, I should say, because since
4 I knew about those battles as much as he did, there was
5 no need to ask him questions.

6 Q Then, I take it that your answer is that you
7 did not discuss it with him?

8 A Well, this is certainly up to you; as you wish.

9 COLONEL SMIRNOV: What is the meaning of the
10 defense counsel when he says they discussed their
11 testimony or not? To talk about events and to agree
12 on their testimony are two different things.

13 THE PRESIDENT: He suggests agreement; other-
14 wise the question would not be warranted.

15 COLONEL SMIRNOV: In the Russian translation
16 the question was asked in a different form. Maybe the
17 defense counsel will make his question more specific.

18 THE PRESIDENT: We do not want to hear the
19 question again.

20 MR. FURNESS: The witness seemed to understand
21 my question and answered it. I certainly cannot make
22 it specific in the Russian language.

23 That concludes the cross-examination of the
24 defense.
25

 THE PRESIDENT: Colonel Smirnov.

1 COLONEL SMIRNOV: Before commencing my re-
2 direct examination, I would like to ask some questions
3 which were connected with certain language difficulties
4 which brought about some ambiguity.

5 THE PRESIDENT: Well, it may be that you can
6 cover it in your redirect examination.

7 COLONEL SMIRNOV: Yes, your Honor.

8 REDIRECT EXAMINATION

9 BY COLONEL SMIRNOV:

10 Q Tell us, Witness, are you in general un-
11 familiar with the location of the Manchurian and Korean
12 territory, or you simply did not understand to what
13 point of the River Tumen-Tula the question referred
14 to -- the question about the Manchurian and Korean
15 territory referred?

16 THE PRESIDENT: I could not follow the trans-
17 lation of what the Colonel said.

18 COLONEL SMIRNOV: I ask you to re-translate
19 my question, then.

20 Q Tell us, Witness, are you in general un-
21 familiar with where the Korean and where the Manchurian
22 territory is, or you didn't understand the question as
23 to what point of the Tumen-Tula River the question con-
24 cerning the Korean-Manchurian territory referred?
25

THE PRESIDENT: That assumes he gave a wrong

1 answer. That method of approach is not open.

2 MR. FURNESS: I must object to it, your Honor.

3 Q Witness, do you know approximately where the
4 Manchurian territory starts and where the territory of
5 Korea is?

6 A Yes, I do. I have shown on the blind map the
7 T Border Mark. This T Border Mark is the crossing of
8 the three borderlines of Manchuria, Korea and the Soviet
9 Union. Therefore, I couldn't answer precisely to the
10 defense counsel how the borderline passes farther be-
11 tween Manchuria and Korea. If I had been shown a map
12 I would have shown exactly where the boundary is between
13 -- where the territory of these different states is,
14 but I couldn't do it from memory.

15 Q What territory is opposite to the Zaozernaya
16 Hill, Manchurian or Korean?

17 A Do you mean immediately opposite to the
18 Zaozernaya Hill or in general opposite to the
19 Zaozernaya Hill?

20 Q I mean right in front of the Zaozernaya Hill.

21 A This territory is Manchurian.
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1 COLONEL SMIRNOV: May the witness be shown
2 exhibit 2175, please? May the witness be also shown
3 the photostatic copy of the original, not to have
4 markings made on the original?

5 (Whereupon, documents were handed
6 to the witness.)

7 Q Will you please show with red triangles the
8 border outposts -- the Soviet border outposts in the
9 area which subsequently became the scene of fighting?

10 A On this copy?

11 Q Yes. Mark them in red ink.

12 THE PRESIDENT: What markings?

13 COLONEL SMIRNOV: Red triangles.

14 A I will mark them as you wish.

15 Q Please mark them in semi-circles. How many
16 border outposts did you mark and on what hills and in
17 what country; in what place?

18 THE PRESIDENT: Let's have a look at it.

19 A I have marked two border outposts, one on
20 the eastern slopes of the Zaozernaya Hill, and
21 another on the Bezjimjannaya Hill.

22 Q When were these border outposts established?

23 A I don't remember the precise date when these
24 outposts were established.

25 Q Since what time have you been with the

Posiet Detachment?

1 A I know that these outposts were guarded prior
2 to my arrival in the Posiet Detachment -- border de-
3 tachment; and, therefore, during my tenure with the
4 Posiet Detachment, I was at these outposts several
5 times and guarded the state border in that area.

6 RUSSIAN MONITOR: I was for several times on
7 that hill and guarded the state border in that area.

8 Q And when did you arrive in the Posiet Detach-
9 ment?

10 A Since 1936.

11 Q Consequently, the outposts were established
12 on the Bezjimjannaya and Zaozernaya Hills prior to
13 1936.

14 A So far as I know, the border guards guarded
15 the border in -- the state border in that area prior
16 to my arrival. And, as I have stated before, I was
17 guarding the border in that area myself as a soldier.

18 Q Will you show with a circle on the map the
19 place where you were on July 29, 1938?
20

21 A Will you please tell me the time more speci-
22 fically?

23 Q Prior to the outbreak of fighting on July
24 29.

25 A In what ink?

1 Q Red ink.

2 A Yes, I have marked it on the map.

3 Q Now, I will ask you to show with a blue arrow
4 the movement of the Japanese troops on July 29, 1938.

5 A On July 29?

6 Q Yes, July 29. And with crossed arrows, blue
7 and red, the scene of fighting on July 29.

8 A If I mark an arrow here, then the markings
9 that I have previously made would not be seen.

10 Q Then please mark only a blue arrow. Do you
11 distinctly see on the map, which has been just handed
12 to you, the state border?

13 A Yes, I can clearly distinguish the state
14 border line.

15 MR. FURNESS: If your Honor please, I object
16 to this as further direct testimony, not redirect in
17 any sense.

18 THE PRESIDENT: No. He was cross-examined on
19 this border line, and he may be reexamined on it.

20 Q Tell us, witness, the scene of the clash of
21 July 29 marked by you is west or east of the border
22 line?
23

24 A This place, the Bezjimjannaya Hill, is to
25 the east of the border line -- of the state border
line.

1 Q In other words, in whose territory?

2 A This is our Soviet territory.

3 Q How far away from the state border line on
4 the Soviet territory is the place where fighting
5 occurred on July 29?

6 A This place, the Bezjimjannaya Hill, is
7 around 200 or 250 meters away from the state border
8 line.

9 RUSSIAN MONITOR: 250 or 300 meters away
10 from the state border line.

11 A I could only say this. If I didn't know
12 exactly how the border line passed I wouldn't be able
13 to show the border, the state border. I haven't been
14 in this area for a considerable time and I have not
15 gotten to a certain extent some characteristic terrain
16 features of this area. I will remember that on the
17 this hill there were extremely sharp, isolated ter-
18 rain features, rocks, such, isolated peaks, and by
19 these signs we have the exact border line; and by
20 these characteristic terrain features the exact
21 border of the border district should be where the
22 border line passes, and by the same characteristic
23 terrain features I learned by experience that
24 the border line was a path east of the
25 border. In certain places this path was still visible.

1 Q During the cross-examination, in reply to a
2 question asked by the President of the Tribunal
3 whether you could easily determine where the state
4 border ran, you gave a very brief answer that you
5 could determine it at any time.

6 A Yes, I did reply to the President in this way.

7 Q This reply is exceedingly brief. I would like
8 you to give a more detailed explanation as to by what
9 signs you could so easily determine the state border
10 line of the USSR, according to your words.

11 A I could only say this. If I didn't know
12 exactly how the border line passed I wouldn't be able
13 to guard the border, the state border. I haven't been
14 in this area for a considerable time and I have for-
15 gotten to a certain extent some characteristic terrain
16 features of this area. I still remember that on cer-
17 tain hills there were extremely characteristic ter-
18 rain features, rocks, bush, isolated bushes, and by
19 these signs we knew the exact border line; and by
20 these characteristic terrain features the commanding
21 officer of the border outpost showed to us where the
22 border line passed, and by the same characteristic
23 terrain features I trained my subordinate border
24 guards. We border guards made a path east of the
25 border. In certain places this path was about eight

1 meters away from the border and in certain places it
2 was about twenty meters away from the border and in
3 some places it was as close as three meters to the
4 border. Along this line we performed our border
5 guard duties and guarded the border. At the same
6 time while passing along this path we studied where
7 exactly the border line passed -- each day we made a
8 study of where the border line passed -- and the
9 veteran border guards could easily spot any changes
10 which occurred on the border line. By various signs
11 we could determine the slightest changes on the border
12 line and the violations of the border and any changes
13 in that area.

14 Q Tell us, witness, as regards the Zaozernaya
15 Hill what instructions did you have concerning the
16 state border line?

17 A The border line passed exactly along the
18 watershed. On the Zaozernaya Hill there were big
19 rocks, very peculiar rocks, and we could easily deter-
20 mine where the border line passed.

21 Q What slope of the Zaozernaya Hill was in the
22 Soviet territory and what slope was in the Manchurian
23 territory?
24

25 A The eastern slope of the Zaozernaya Hill
belonged and still belongs to the Soviet territory

and the west slope belongs to the Manchurian territory.

1 Q What instruments did you have to observe the
2 country in the area of the Zaozernaya Hill -- from the
3 Zaozernaya Hill?

4 A We had optical instruments with the help of
5 which we could observe the neighboring territory. We
6 had binoculars, periscopes, and by lifting the peri-
7 scope sufficiently high we could observe what was
8 going on at the foot of the hill without trespassing
9 the state border.
10

11 Q In what manner did you conduct those
12 observations, in an open manner or in a concealed
13 manner -- the observation of the Japanese-Manchurian
14 side?

15 THE PRESIDENT: The answer will not help no
16 matter what it is.

17 COLONEL SMIRNOV: I will pass on to another
18 matter.

19 Q Will you please draw on the map that you now
20 have before you the gun positions of the Japanese troops
21 of which you spoke in the cross-examination and which
22 were set up on the Manchurian side?
23

24 THE PRESIDENT: I think, Colonel, he had
25 better do it tomorrow morning.

We will adjourn until nine-thirty tomorrow

1 morning.

2 (Whereupon, at 1600, an adjourn-
3 ment was taken until Friday, 31 October 1947,
4 at 0930.)
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